

ROBERT MIKE THOMAS, JR., )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 Respondent. )

This cause comes before the Court on petitioner’s motion for a reduction to an enhancement given at sentencing [DE 175]. The government has responded in opposition and the matter is ripe for ruling. For the following reasons, petitioner’s motion is denied.

## BACKGROUND

On May 15, 2012, petitioner pleaded guilty, pursuant to a plea agreement, to conspiracy to manufacture, distribute, dispense and possess with intent to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. He was originally sentenced to a term of 180 months in the bureau of prisons. Pursuant to Amendment 782 of the U.S. Sentencing Guidelines, that sentence was reduced on April 20, 2016 to 144 months. Petitioner has now filed the instant motion, seeking a reduction in an enhancement given at his sentencing. The government has moved to dismiss petitioner's motion, arguing this Court lacks jurisdiction and petitioner has failed to state a claim.

## DISCUSSION

Petitioner’s motion is denied because this Court lacks the jurisdiction to grant it.

Sentences given by the Court are generally final upon imposition. 18 U.S.C. § 2582(c); *United States v. Peters*, 843 F.3d 572, 574 (4th Cir. 2016). Absent circumstances not present here, a


Court's ability to modify a sentence once imposed is limited. *See United States v. Goodwyn*, 596 F.3d 233, 235 (4th Cir. 2010). Petitioner previously was a candidate for a sentence modification, pursuant to one of the specific exceptions: amendments to the guidelines that have been made retroactive. [DE 171]; *see* 843 F.3d at 574.

Petitioner has not cited to the particular exception that would allow this Court to reopen the judgment and grant him the relief he seeks, because he cannot—there isn't one. Accordingly, this Court lacks jurisdiction and his motion is denied.

#### CONCLUSION

Accordingly, for the foregoing reasons, petitioner's motion for reduction [DE 175] is DENIED.

SO ORDERED, this 28 day of August, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE